

REMARKS:

1. In the Examiner's Notes of the Detailed Action of 12/13/07 the Examiner brought to light the applicant's error in canceling claims 1-12 and withdrawing claims 13-31, as they were not part of the instant application, the present application being a continuation in part. The Examiner discerned the applicant's intent however and was gracious in placing claims 32-45 as pending in the present application.
2. In the Examiner's Claim Objections, the Examiner objected to the applicant's inappropriate capitalization of terms lacking special meaning. The applicant intended that the claim terms be capitalized because not all intellectual and copyrighted properties, servers, routers, property rights management, and Internet environments fall with the scope of the present invention. Page 5, line 19 of the present application states "It is herein suggested that TCI information be utilized by third parties at their discretion". Page 6, line 27 "TCI's act as Internet Protocols to responsible third parties who elect to utilize TCI information". However the applicant recognizes this distinction is unnecessary and would promote uncertainty. Appropriate correction has been made.
3. The Examiner rejected claims under 35-USC 112 for lack of distinctly claiming the subject matter of the invention. The applicant has rewritten the claims to overcome this objection under 35-USC 112.
4. The Examiner found the claims to be narrative, and replete with indefinite and functional or operational language. The applicant has rewritten the claims to overcome this objection.
5. The Examiner presented further positive criticism in the suggestion that recitations of the required steps and components of the invention rendered clear the scope of the claims. The applicant has rewritten claims in consort with this observation.

6. The Examiner further cited examples of the shortcomings of the language of the claims that were submitted on November 15th 2003. Quoting “TCI’s act as protocols”, “serve(s) to”, and “to facilitate”. The specific instances cited by the Examiner proved beneficial to the applicant.

Claim rejections under 35 USC 101:

7. Claims 43-45 were rejected by the Examiner for claiming the invention as non-statutory subject matter. The applicant was withdrawn claims 43-45 from the present application.

8. The Examiner cited that of itself a “Transaction Code Identifier” is neither a process, machine, manufacture or a composition of matter. The applicant has corrected the claims to elucidate said TCI’s as process. The applicant was withdrawn claims 43-45 from the present application.

9. The Examiner cited language for Claim Rejections under – 35USC 102:

10. The Examiner rejected claims 32-45 under 35 USC 102(b) as being anticipated by Stefik.

11. The Examiner cited the physical limitations of claims 32-42 as recited in Stefik: computers, servers, which are digital storage devices. The cited text Column 4, lines 9-10 spoke of a repository having a server and a requester mode of operation. These are processes rather than physical limitations.

Column 1, lines 25-28 does not mention routers, but it’s a fair assumption, that routers might be part of the Internet. However Stefik does not teach the level of atonomy of smart routers in loose source routing as taught in the present invention. Further, Stefik does not teach third party routers being capable of detecting and gating intellectual and copyrighted properties. This is not anticipated by Stefik.

12. The Examiner further stated Stefik also shows:

Intellectual property being stored and distributed (digital works with assigned rights:
Abstract):

However the distribution process of the present invention is not anticipated by Stefik, as also stated in the Abstract:

“A repository will process each request to access a digital work by examining the corresponding usage rights. Digital work playback devices, coupled to the repository containing the work, are used to play, display or print the work. Access to digital works for the purposes of transporting between repositories (e.g. copying, borrowing or transfer) is carried out using a digital work transport protocol.”

All of which process involves an in house, in system, point to point design as nothing happens outside of the scope of the repository. Stefik does not anticipate unsecured transmissions, in an unsecured medium such as the Internet wherein transmissions are not point-to-point or instigated from a third party outside of the “repository” . Stefik does not anticipate property rights management being conducted outside the scope of the repository by responsible third parties distributing intellectual and copyrighted properties.

The Examiner also showed: The digital works having identifiers, allowing them to be tracked and have rights enforced Column 9& 10, lines 50-70. This portion of Stefik shows a library style system to locate works in a repository, however Stefik does not anticipate the association and regulation of generic and property specific transaction code identifiers that are both machine and human readable.

The Examiner showed: The Validation through a third party of the receiver and owner of the digital work, and also the use of a third party to control distribution. However column 43, lines 51-55 refers to a process wherein said third party distributors contain a secure aspect of the “repository” on their PC’s. Stefik does not anticipate property rights management being conducted outside the scope of the “repository”, independently by third party IP’s, NP’s, CP’s, DCP’s, servers, and routers.

The Examiner showed: The embedding of the rights into the digital work. Column 23, lines 35-37 show a digital work circulated with a “ticket (included in the purchase price and possibly embedded in the work) that can be used for a future upgrade.” Again Stefik does not

anticipate embedding generic and property specific transaction code identifiers including loose source routing in an unsecured environment detectable by third parties.

13. The Examiner further stated Stefik also shows:

The digital works having identifiers, the identifiers having two parts, one specific to the creator and one specific to the copy of the work, allowing them to be tracked and have rights enforced.

The applicant has withdrawn claims 43-45 from the present application, however Stefik does not anticipate generic, human readable TCI in an unsecured environment detectable by third parties.

The Examiner further showed:

The validation through a third party of the receiver and owner of the digital work and also the use of a third party to control distribution. However Column 43, lines 51-55 do not include the process of, third party IP's, NP's, CP's, DCP's, servers, and routers providing gating and digital rights management. Nowhere does Stefik anticipate digital rights management beyond an encrypted point-to-point system of distribution.

In the Examiners Conclusion:

14. Prior art made of record but not relied upon.

15. The Examiner refers to Grundy as showing another system for distribution and identification of intellectual property. Grundy shows three modes of product and associated information processing however Grundy does not show an Intellectual Property Archive utilizing generic and property specific transaction code identifiers that are both machine and human readable, or the process of, third party IP's, NP's, CP's, DCP's, servers, and routers providing gating and digital rights management.

16. The Examiner cited Rabine, showing a system usage rights for digital contents are displayed and watermarks are used. However Rabine shows a launch pad program, which, like Stefik, places an extension or part of the “repository” in consort with, and indistinguishable from previously third parties. Rabine employs a secure Rights Management (RM) server. proprietary launch pad program, the process wherein once a rights management object is detected, operational control is transferred from the public browser to the launch pad. Further Rabine teaches in house secured RM servers and a proprietary RM browser, unlike the present invention. Further like Stefik, Rabine does not show anything but point-to-point transmissions within a secure proprietary system.

The applicant presents that these differences distinguish the present invention as novel over all prior art, and believes the present invention will be a positive innovation for end users, as it is far less invasive than prior art.

17. The Examiner further illuminated that the under MPEP 609.02 A.2 and MPEP 2001.06(b) (last paragraph) consideration of prior art cited in the parent application of the present CIP has been reviewed by the Examiner, and further that all documents cited or considered “of record” are now cited and considered in the present instance.

The Examiner further reminded the applicant that the prosecution history of the Parent Application holds relevance in issues of the present CIP.

18. The Examiner pointed out that the applicant is unfamiliar with patent prosecution and procedure, and further expressed this to be a liability to the applicant’s best interest. However, for his limited means, the applicant is doing thebest he can.

19. The Examiner graciously extended information regarding registered patent attorneys, whose patience the applicant might not have yet exhausted in asking for an hourly rate in helping to write claims, that are due next Thursday. The applicant is grateful for this consideration.

20. The Examiner forbore further constructive assistance in isolating chapters of the MPEP, (700, and 2100) of pertinence to the applicant. The applicant is grateful for this insight. The Examiner has also offered contact information to the applicant.. The applicant would like to return the Examiners present consideration: the applicants cell (909) 931-0642 and email Clhoke1@csupomona.edu